

been avoided “because 1) The Defendants was given notice well in advance by the ‘local and national weather services’ to evacuate all inmates from Hyde . . . , but the Defendants waited until the last minute[, and] . . . 2) The Defendants . . . could have released” inmates nearing the expiration of their sentences “six (6) months’ prior to hurricane season to ease the overcrowded conditions and prepare for the hurricane season and emergency evacuation.”

(Doc. No. 7 at 2).


On August 27, 2013, the Eastern District of North Carolina entered an Order dismissing “as frivolous plaintiff’s claim concerning deprivation of property, along with all named Defendants.” (Id. at 6). The Court also dismissed without prejudice “any claim arising at Piedmont in order to allow Moore to refile his claim in the proper district.” (Id.). Although the Eastern District of North Carolina dismissed all named Defendants from this action, the court nevertheless transferred to this Court “plaintiff’s claim arising at Lanesboro Correctional Institution to the United States District Court for the Western District of North Carolina where venue is proper.” (Id.).

Because the Eastern District of North Carolina has dismissed all named Defendants in this matter, the Court will, therefore, dismiss this action in its entirety. The dismissal will be without prejudice as to Plaintiff’s claims in the Complaint that allegedly arose at Lanesboro Correctional Institution.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff’s Complaint, (Doc. No. 1), is **DISMISSED**.

Signed: November 6, 2013


Frank D. Whitney
Chief United States District Judge

